

House Bill 1377

By: Representatives England of the 108th, Dickson of the 6th, Tumlin of the 38th, Ralston of the 7th, Bearden of the 68th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone service in general, so as to require certain records and procedures with respect to the retail sale of prepaid cell phones; to define terms; to require identification of the purchaser in retail sales; to require identifying records of purchasers and phones to be generated and maintained by retailers, manufacturers, and service suppliers; to provide criminal penalties for noncompliance; to provide for other related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone service in general, is amended by adding at its end a new Code Section 46-5-29 to read as follows:

"46-5-29.

(a) As used in this Code section, the term:

(1) 'Prepaid cell phone' means a telephone sold at retail for the provision of wireless service under conditions where charges for the use of the phone are paid in advance rather than billed to the customer.

(2) 'Service supplier' means a person or entity who or which provides wireless service to an end user.

(3) 'Wireless service' has the same meaning specified in paragraph (3) of subsection (a) of Code Section 48-5-28.

(b) A person who makes a retail sale of a prepaid cell phone shall, as a precondition to the sale, obtain and photograph or photocopy one or more identification documents identifying the purchaser by name and address. The seller shall for each retail sale make and keep for a period of at least three years:

1 (1) A record of the serial number and manufacturer of the phone sold;

2 (2) An associated record of the service supplier who will supply service to the phone;

3 (3) An associated record of the identification obtained from the purchaser; and

4 (4) An associated record of the date and manner in which the information required under
5 paragraphs (1) through (3) of this subsection was transmitted as required in subsection
6 (c) of this Code section.

7 (c) All persons making retail sales of prepaid cell phones shall, not less frequently than
8 monthly, transmit the records of each such sale required under subsection (b) of this Code
9 section to:

10 (1) The manufacturer of the phone; and

11 (2) The service supplier supplying service to the phone.

12 (d) All manufacturers and service suppliers shall maintain the records supplied to them
13 under this Code section for a period of at least three years.

14 (e) Any person who violates any provision of this Code section shall upon conviction be
15 guilty of a misdemeanor. Each separate transaction for which required records are not
16 generated or maintained shall constitute a separate offense."

17 **SECTION 2.**

18 All laws and parts of laws in conflict with this Act are repealed.